

TOWN OF NEWSTEAD  
ZONING BOARD OF APPEALS  
MINUTES of November 19, 2002

Present: Corky Keppler  
Bill Kaufman  
Ike Cummings  
Scott Chaffee  
Don Folger, Code Enforcement Officer  
Christine Falkowski, Recording Secretary

Corky Keppler called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the American flag.

The public hearing was opened at 7:30 PM to hear comments for or against the request to allow an area variance to put in a driveway on the southwest portion of land located at 11464 Clarence Center Road, owned by Peter Latka, due to lack of required frontage by bike path.

The Clerk read proof of publication.

This situation led to the determination that the crossing of the bike path is unsafe. The Newstead Highway Dept. stated in a memo dated September 10, 2002 that the crossing is now at a 45-degree angle, and should be at 90 degrees. It is difficult to negotiate with traffic at 55 mph. Therefore, the Latka's driveway should be as far from the bike path as possible to assure safety of pedestrians using the bike path. Also, in a letter dated October 4, 2002 Erie County stated that they will permit installation of the driveway, that Mr. Latka will be responsible for removing the trees along the ditch line to the east to improve sight lines and that the Town, with the assistance of Erie County Division of Highways, will relocate the southeast leg of the bike path to align opposite the most westerly parcel boundary for better facilitation and safety. Also, the northwest leg of the path will be shortened to align with the relocated segment to the south side of Clarence Center Road to eliminate convergence of the driveway and bike path.

The Latka's stated that they will prepare a petition to be signed for lowering the speed limit from 55 mph.

No prior comments for or against have been received.

There being no one to speak further, Ike motioned to close the hearing at 7:50 PM, seconded by Scott, and all approved.

Scott motioned to approve the variance contingent upon: meeting the conditions of the October 4<sup>th</sup> letter from the County, the County and Town changing the bike path resulting in increased road frontage thus making it a legal lot, and the Town selling back a portion to the Latka's. This was seconded by Ike, and all approved.

At 7:50 PM, the Zoning Board opened the meeting to review the special use variance granted on October 15, 2002 to operate 10 campsites behind the Country Cottage Motel located at 13536 Main Road (which is zoned C-2 and no longer allows campsites) owned by George Northem.

Mr. Folger stated that because this was a use variance, SEQR was required, although this is not stated in the Ordinance and should be. A short form SEQR and site plan package were given to Mr. Northem on October 29, 2002. The Planning and Town Boards were not happy with the Zoning Board's approval.

The Clerk will prepare a letter from the Zoning Board to Mr. Northem requesting that the short form SEQR be filed with the Town of Newstead.

The Zoning Board unanimously agreed with the memo dated November 14, 2002 from the Building Department relative to receiving the Planning Board's opinion on variance applications prior to public hearings.

Bill motioned to adjourn the meeting at 8:05 PM, seconded by Scott and all approved.

Respectfully submitted,  
Christine B. Falkowski,  
Recording Secretary